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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/406,531 09/27/99 ODDSEN

O 3757.3002

000530 PM82/0314
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EXAMINER

WOOD, K
ART UNIT

PAPER NUMBER

3632
DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/406,531

Applicant(s)

Oddsden Jr.

Examiner
Kimberly Wood

Group Art Unit
3632



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 36-71 is/are pending in the application

Of the above, claim(s) 37-40, 44-49, 52, and 55-62 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 36, 41-43, 50, 51, 53, 54, and 63-71 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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This is the second office action for serial number 09/406,531, entitled Configurable Mount, in response to Amendment B filed on December 27, 2000.

Election/Restriction

Applicant's election without traverse of in Paper No. 9 is acknowledged.

Claims 37-40, 44-49, 52, and 55-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species I and III-VII, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9. Applicant indicated that claims 36, 50, 63, and 67 are generic to all the species. The examiner does agree with the applicant and believes that only claims 36, 37, and 63 are generic to all the species.

Claim Rejections - 35 USC § 112

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim recites the limitation "at least one screw" in line 10. There is improper antecedent basis for this limitation in the claim. Claim 43 is rejected because the applicant needs to state that the adjustment means comprises "*said* at least one screw".

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36, 41, 63, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Gentile 3,591,118. Gentile discloses an apparatus (Figure 2 and 3) comprising a shaft holder (12) having a first hole (receiving screw 23), a threaded rod (23), a nut (37), and an attachment means (11) including a first member having a first flange (13) with a hole (18) and a second flange (between element 11 and 14), and a clamping plate (17) having a hole.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36, 41, 43, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins 1,785,518 in view of Gentile 3,591,118. Higgins discloses a shaft holder (22) having a hole (where 31 is received); a plurality of threaded rods or screws (31, 47, and 41; see page 2,

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lines 113); an attachment means including a first member (33) having a flange (33) with a hole (35) and perpendicular flange (44) with a hole (42), a second member (36) having a flange (36) with a hole (where screw 47 is received) and another flange (39) with a hole (40) to receive a threaded rod (41), an adjustment means (47). Higgins discloses all of the limitations of the claimed invention except for the clamping plate and a nut. Gentile discloses an apparatus (Figure 2 and 3) comprising a shaft holder (12) having a first hole (receiving screw 23), a threaded rod (23), a nut (37), and an attachment means (11) including a first member having a first flange (13) with a hole (18) and a second flange (between element 11 and 14), and a clamping plate (17) having a hole. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Higgins to have included the clamping plate at the top of adjustment means (47 Higgins) and a nut member to the end of the threaded rod (31 Higgins) as taught by Gentile for the purpose of allowing the clamp a better means of clamping to various thicknesses of surfaces and to better hold the threaded rod (31) within the shaft holder.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 36, 41-43, 50, 51, 53, 54, 63-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossman et al. (Rossman) 5,277,392 in view of Higgins in view of Gentile 3,591,118 as discussed above. Rossman discloses a shaft holder (18), a first member (38) having a first flange and a second flange, a second member (44) having a hole receiving a threaded rod (42), and a clamping plate (46) having a hole receiving screw (42), and a plurality of holes for attachment to a wall. The first flange of the first member (38) has a plurality of holes. Rossman discloses all of the limitations of the claimed invention except for the second flange on the second member, threaded rod and nut received within the shaft holder. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Rossman to have included the second flange on the second member as taught by Higgins for the purpose of allowing the clamp to have a wider range of movement therefore allowing the clamp to attach to various surface thicknesses. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Rossman to have included the threaded rod and nut as taught by Gentile for the purpose of allowing the shaft to be removed from the clamp for storage or to allow quick replacement as a result of damage.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grant 632,999

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Larson 931,437

Foulke 1,764,071

Anderson 2,628,051

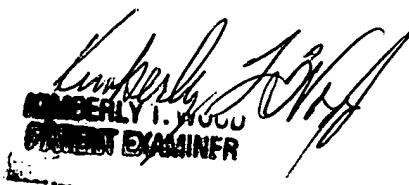
Whitlow 2,756,954

Willey 2,961,209

All of the above patents disclose conventional clamp means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax numbers for filing formal papers to the Group receptionist are (703) 305-3597.

Kimberly Wood
March 10, 2001



KIMBERLY T. WOOD
PATENT EXAMINER